

Exhibit “MM” to Amended Verified Petition

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July 19, 2001

New York State Department of
Environmental Conservation
Region Three - Division of Legal Affairs
21 South Putt Corners Road
New Paltz, New York 12561-1696
Attention: Dominic Cordisco, Esq.,
Regional Attorney

Re: Leon Mehl and Mehlon Trucking Inc. mining violations:
Your Case No. R3-20010308-30

Dear Mr. Cordisco:

This letter is a follow up to your May 17, 2001 correspondence and our telephone conversations concerning the above-referenced matter. I have left telephone messages to discuss this matter with you on several occasions but have been unable to contact you. As proposed in your May 17, 2001 correspondence my client wishes to schedule a compliance conference to discuss this matter. Would you please advise of possible dates for this conference. I will be away on vacation the week of July 23rd. Please advise of possible dates for this conference from July 30th forward.

I am also happy to report that a major hurdle to my client's moving forward with its permit application has been resolved. Enclosed for your file please find a copy of the Town of Newburgh Local Law No. 4 of 2001 which removes the weight restrictions for Kings Hill Road in the Town of Newburgh from Rock Cut Road to the Montgomery Town line. My clients proposed mine expansion is located entirely within the Town of Montgomery but will utilize Kings Hill Road from its property to Rock Cut Road. Local Law No. 4 resolves all objections from the Town of Newburgh for my clients' proposed mining expansion permit. My client has also proceeded to discuss this matter further with Rob Martin of the New York State DEC and the Town of Montgomery Planning Board concerning proceeding on the approvals required

for expanding its mine. I hope that at our compliance conference we can discuss all the parameters needed to resolve all issues and incorporate the same into an agreement between the DEC and my client.

Would you please advise of possible dates for the conference at your earliest convenience.

Very truly yours,

WERNER & SAFFIOTI, L.L.P.

BY: JOSEPH M. SAFFIOTI

Enc.

cc: Mehlon Trucking, Inc., Attn: Leon Mehl
Vincent J. Doce